

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

See form PCT/ISA/210

Applicant's or agent's file reference

PCT549-ND/CC

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2005/050061

International filing date (day/month/year)

01.02.2005

Priority date (day/month/year)

05.02.2004

International Patent Classification (IPC) or both national classification and IPC

B65C3/06

Applicant

PROTECTION DECORATION CONDITIONNEMENT EUROPE

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-10	YES
	Claims	1	NO
Inventive step (IS)	Claims	3-6, 8-10	YES
	Claims	1, 2, 7	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

1 Reference is made to the following documents:

- D1: FR-A-2 646 828 (EUROP PROTECTION DECOR
CONDITI), 16 November 1990 (1990-11-16)
- D2: WO 97/47523 A (MACHINEBOUW VELDKAMP BV; VEGT
JOHANNES FRANSISCUS GERAR (NL)), 18 December
1997 (1997-12-18)
- D3: FR-A-2 808 504 (PROT DECORATION
CONDITIONNEMEN), 9 November 2001 (2001-11-09)
- D4: US-A-4 293 364 (FUJIO MASA AKI), 6 October
1981 (1981-10-06)

2 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 does not satisfy the criterion of novelty defined in PCT Article 33(2).

2.1 Document D1 describes (the references in parentheses apply to this document):

An assembly for fitting sleeves (21) onto products such as bottles (6), wherein the products are conveyed upright, one after another (figure 2),

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citations and explanations supporting such statement

along a conveyor line, the sleeve being drawn by transfer elements (23) arranged above the product from a sleeve-feed device (1,2) comprising

- a device for feeding single sleeves (1, 2) from a case, and
- two pairs of transfer elements (23), each formed from two transfer elements installed on either side of the product (6) conveyor line (figure 1) and operating alternately,

* each transfer element (23) being carried by a transport means so as to execute, alternately with the transfer element in the other pair, an active stroke along the side of the product (6) at the site of the sleeve feed in order to draw a sleeve (21) and place it on the product (page 7, lines 12-21) while the transport means of the transfer element in the other pair moves the latter in a return stroke, independent of the active stroke (page 8, lines 1-9),

- a means for synchronizing (page 7, lines 12-21) the products (6) and means for transporting the transfer elements (23).

2.2 Document D4 also describes a system like the one described in claim 1.

3 Dependent claims 2 and 7 do not contain any features which, in combination with those of any of the claims to which they refer, define a subject matter that satisfies the requirements of the PCT with regard to inventive step; see

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documents D2 and D3 and the corresponding passages
cited in the search report.